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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,252	08/28/2001	David Kingsley Clark	AUS9-2001-0723-US1	6028

40412 7590 10/12/2005

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EXAMINER

STERRETT, JONATHAN G

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,252

Applicant(s)

CLARK ET AL.

Examiner

Jonathan G. Sterrett

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8-28-2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

GA

DETAILED ACTION

Summary

1. **Claims 1-24** are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 5, 6, 9, 13, 14, 17, 21 and 22** are rejected under 35 U.S.C. 102(b) as being anticipated by **Heinlein US 5,800,181** (hereinafter **Heinlein**).

Regarding **Claim 1**, Heinlein discloses:

receiving the electronic voting message from a client;

column 1 line 43-45, group decision support provides for various members to vote on various issues to reach consensus – see Figure 2 for an illustration of the various client PC's utilized in Heinlein's invention.

removing an identity of the client from the message, wherein the removing results in an anonymous message; and

column 3 line 11-14, groupware removes the identity of the client from the message so that the message is anonymous.

identifying one or more votes in the anonymous

message.

Column 3 line 27-29, the apparatus identifies and tallies the votes in the anonymous message.

Regarding **Claim 5**, Heinlein discloses:

wherein one of the votes includes freeform comment.

Column 3 line 22-25, team members can submit their ideas anonymously (i.e. in a freeform comment) – see also column 7 line 35-37.

Regarding **Claim 6**, Heinlein discloses:

adding the one or more votes to the total number of votes.

Column 3 line 27-29, automatic counting and tallying of votes is provided (i.e. tallying votes to count to a total number of votes).

Claims 9, 13, 14, 17, 21 and 22 recite limitations similar to those addressed in the rejection of **Claims 1, 5 and 6** above, and are therefore rejected under the same rationale.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2-4, 7, 8, 10-12, 15, 16, 18-20, 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Heinlein** in view of **Bayer US 6,311,190** (hereinafter **Bayer**).

Regarding **Claim 2**, Heinlein's invention provides determining whether the client is authorized to vote, because they are participating on a team to perform process safety management within a corporation.

However, Heinlein does not teach:

**determining whether the client is authorized to vote,
wherein the identifying is performed response to the determination.**

Bayer teaches:

**determining whether the client is authorized to vote,
wherein the identifying is performed response to the determination**

Column 25 line 26-30, the person is evaluated to determine if they are eligible to vote.

Column 10 line 21-22 & line 33-37, a person is registered with the system and logged so that when they attempt to vote, the system checks to determine whether they are eligible before it allows them to vote.

Bayer and Heinlein address utilizing computer networks to gain inputs from a plurality of individuals, thus both Bayer and Heinlein are analogous art.

Bayer teaches that authorizing a client before they vote ensures that the client does not vote more than once (Column 3 line 24-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Heinlein regarding obtaining anonymous votes from clients to include the step of determining whether the client is authorized to vote and where the identifying of the votes is performed in response to the determining, as taught by Bayer, because it would ensure that votes are not tallied unless the voter was determined to be eligible to vote.

Regarding **Claim 3**, Heinlein does not teach:

**sending a confirmation message to the client, the
confirmation message including a summary of the determination.**

However the examine takes Official Notice that sending confirmation messages to a client, including ones that include a summary of a determination of whether a person is authorized to vote, is old and well known in the art. Such a technique provides a quick and easy way to communicate a person's authorization status upon their attempting to access a security-protected capability online.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Heinlein, regarding providing anonymous voting, to include the step of sending a confirmation message summarizing the determination of a person's authorization to vote, because it would provide a quick and easy way to communicate said authorization status.

Regarding **Claim 4**, Heinlein's invention provides determining whether the client is authorized to vote, by virtue of the fact that they are participating on a team to perform process safety management within a corporation

Heinlein does not teach:

retrieving the identity of the client;

comparing the identity of the client to one or more authorized identifiers

retrieved from a voter data store.

Bayer teaches:

retrieving the identity of the client;

comparing the identity of the client to one or more authorized identifiers

retrieved from a voter data store.

Column 14 line 53-61, the Reg ID cookie is pulled from a client's browser (i.e. identify of the client is retrieved) and compared to the Reg. ID's in the records of the tables storing registration information (i.e. voter data store).

As discussed above, Bayer teaches that registering and authorizing a voter to vote prevents voters from voting more than once.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Heinlein, regarding providing anonymous voting, to include the step of sending a confirmation message summarizing the determination of a person's authorization to vote, because it would ensure authorization of voters to prevent voters from voting more than once.

Regarding **Claim 7**, Heinlein teaches tallying votes to reach a total count, as discussed above, but does not teach:

sending the total number of votes to a receiving server, wherein the receiving server is adapted to include the total number of votes with other received votes.

Bayer teaches:

sending the total number of votes to a receiving server, wherein the receiving server is adapted to include the total number of votes with other received votes.

Figure 1, transaction server (i.e. receiving server) receives votes from the network as cast by the network voter/registrant – see also column 16 line 59-63, votes are tallied into the database.

Bayer and Heinlein address utilizing computer networks to gain inputs from a plurality of individuals, thus both Bayer and Heinlein are analogous art.

Bayer teaches that utilizing a receiving server to count the votes allows a voter to immediately see results when they vote (Column 3 line 19-23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Heinlein regarding obtaining anonymous votes from clients to include the step of sending the votes to the receiving server, as taught by Bayer, because it would enable the voter to immediately see the results when they vote.

Regarding **Claim 8**, Heinlein teaches:

wherein the electronic message is selected from the group consisting of a phone-in message, a private client email message, a public client email message, a

hypertext transfer protocol message, **a computer network message**, an Active X message, and a Java message.

Column 5 line 25-28, the participants submit their votes and ideas on individual PC's to the PC server, the votes and ideas are submitted as a computer network message – see Figure 1 #106 “network” and Figure 2.

Claims 10-12, 15, 16, 18-20, 23, 24 recite limitations similar to those addressed in the rejection of **Claims 2-4, 7 and 8** above, and are therefore rejected under the same rationale.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2001/0047290 by Petras discloses a system for creating and maintaining a database of user opinions.

JP 08293883 A by Yasuhiro discloses anonymous email transmission and forwarding.

KR 2001044491 A by Park discloses a system for anonymous customer feedback.

Gavish, B; Gerdes, J. Jr; Sridhar, S; “CM3: a distributed group decision support system”, Dec 1995, IIE Transactions, Vol. 27, No. 6, p.722(12), Dialog 09914282 17788503.

PR Newswired, "eCrush.com Announces Completion of Series B round of Funding", Jul 19, 2000, PR Newswire, p. 1, ProQuest ID 56612867.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JG)

JGS 9-28-2005


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